

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455A.5(6) and 455A.13, the Natural Resource Commission hereby amends Chapter 71, “Nursery Stock Sale to the Public,” Iowa Administrative Code.

The rescission of paragraph 71.2(2)“c” allows for the sale of state forest nursery stock outside Iowa, which was authorized pursuant to Iowa Code section 455A.13(1) as amended by 2010 Iowa Acts, House File 2531.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 30, 2010, as **ARC 8876B**. No public hearings were held on this rule making.

A total of 16 comments were received. Thirteen comments were in support of the amendment and three comments were opposed. Those opposed to the amendment felt allowing the state nursery to sell out of state would create an unfair market advantage against the private sector. The Department has not made any changes to the amendment based on these comments, as the Legislature considered this concern when approving the amendment to Iowa Code section 455A.13 and found the private sector would be able to successfully compete. Therefore, the Department is moving forward with adopting this amendment to make the rule conform to the Iowa Code.

This amendment is intended to implement Iowa Code section 455A.13(3) as amended by 2010 Iowa Acts, House File 2531.

This amendment shall be effective October 13, 2010.

The following amendment is adopted.

Rescind paragraph **71.2(2)“c.”**

[Filed 8/16/10, effective 10/13/10]

[Published 9/8/10]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 9/8/10.